

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**James L. Garland Jr.
Marci Jo Garland
Debtor(s)**

Bankruptcy Case No.: 16-20204-JAD
Per August 11, 2016 proceeding
Chapter: 13
Docket No.: 27 - 2, 23
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 25, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: First Commonwealth shall be paid in full at \$300 per month going forward.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: August 16, 2016

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 James L. Garland, Jr.
 Marci Jo Garland
 Debtors

Case No. 16-20204-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
Form ID: 149Page 1 of 2
Total Noticed: 32

Date Rcvd: Aug 16, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 18, 2016.

db/jdb +James L. Garland, Jr., Marci Jo Garland, 1017 Pizza Barn Road, Blairsville, PA 15717-4306
 cr +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 225 North Shore Drive, Pittsburgh, PA 15212-5861
 14166814 +Bank Of America, Nc4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012
 14220831 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14224503 CAPITAL ONE, N.A., C/O BECKET AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 14166815 +Chase Card Services, Attn: Correspondence Dept, P.O. Box 15298, Wilmington, DE 19850-5298
 14166816 +Chase Mortgage, 4615 Vision Drive, P.O. Box 24696, Columbus, OH 43224-0696
 14166817 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, P.O. Box 790040, Saint Louis, MO 63179-0040
 14166819 +Citibank/Best Buy, Centralized Bankruptcy/CitiCorp Credit, P.O. Box 790040, St Louis, MO 63179-0040
 14166818 +Citibank/Best Buy, Centralized Bankruptcy/CitiCorp Credit S, Po Box 790040, St Louis, MO 63179-0040
 14166820 +Citibank/Citgo Oil, Citicorp Credit Services/Attn:Centralize, P.O. Box 790040, St Louis, MO 63179-0040
 14166821 +Comenity Bank/Lane Bryant, P.O. Box 182125, Columbus, OH 43218-2125
 14210551 ECAST SETTLEMENT CORPORATION, PO BOX 29262, NEW YORK, NY 10087-9262
 14166823 +Fair Collections & Outsourcing, 12304 Baltimore Avenue, Suite East, Beltsville, MD 20705-1314
 14240239 +JPMorgan Chase Bank, N.A., Chase Records Center, Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane, Monroe LA 71203-4774
 14216050 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 14166826 +Midland Funding, LLC, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 14166832 +The Bureaus, Inc., 650 Dundee Road, Suite 370, Northbrook, IL 60062-2757
 14166833 +Tnb-Visa (TV) / Target, C/O Financial & Retail Services, Mailstop BV : P.O. Box 9475, Minneapolis, MN 55440-9475

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14211873 E-mail/PDF: rmscedi@recoverycorp.com Aug 17 2016 01:30:01
 Bureaus Investment Group Portfolio No 15 LLC, c/o Recovery Management Systems Corp, 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605
 14176363 +E-mail/Text: bankruptcy@cavps.com Aug 17 2016 01:33:20 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14173608 E-mail/Text: mrdiscen@discover.com Aug 17 2016 01:32:41 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14166822 +E-mail/Text: mrdiscen@discover.com Aug 17 2016 01:32:41 Discover Financial, Attn: Bankruptcy Dept., P.O. Box 3025, New Albany, OH 43054-3025
 14166824 +E-mail/Text: bankruptcynotice@fcbanking.com Aug 17 2016 01:32:43 First Commonwealth Bank, 601 Philadelphia Street, Indiana, PA 15701-3952
 14166825 +E-mail/Text: bnckohlsnotices@becket-lee.com Aug 17 2016 01:32:45 Kohls/Capital One, P.O. Box 3120, Milwaukee, WI 53201-3120
 14166827 +E-mail/Text: bankruptcynotices@psecu.com Aug 17 2016 01:33:26 P S E C U, Attention: Bankruptcy, P.O. Box 67013, Harrisburg, PA 17106-7013
 14166828 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 01:29:13 Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, Norfolk, VA 23541
 14166829 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 01:29:13 Portfolio Recovery Associates, Attn: Bankruptcy, P.O. Box 41067, Norfolk, VA 23541
 14177371 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 01:29:58 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14166830 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2016 01:29:38 Portfolio Recovery Asssociates, Attn: Bankruptcy, P.O. Box 41067, Norfolk, VA 23541-1067
 14222701 E-mail/Text: bnc-quantum@quantum3group.com Aug 17 2016 01:32:52 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14166831 +E-mail/PDF: gecscedi@recoverycorp.com Aug 17 2016 01:29:56 Synchrony Bank/Lowes, Attn: Bankruptcy, P.O. Box 103104, Roswell, GA 30076-9104

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 cr JPMorgan Chase Bank, National Association

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 32

Date Rcvd: Aug 16, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 18, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 16, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JPMorgan Chase Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Jeffrey S. Golembiewski on behalf of Joint Debtor Marci Jo Garland jgolembiewski@yahoo.com,
denisegole@yahoo.com
Jeffrey S. Golembiewski on behalf of Debtor James L. Garland, Jr. jgolembiewski@yahoo.com,
denisegole@yahoo.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trustee.wda.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 6